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10	BEFORE THE BOARD OF REGISTERED NURSING		
11	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
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13	In the Matter of the Accusation Against: Case No. 2008-109		
14	ARTHUR LEWIS HAZEN, JR., 4932 Avila Avenue ACCUSATION		
15	Carlsbad, California 92008		
16	Registered Nurse License No. 648834		
17	Respondent.		
18			
19	Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:		
20	<u>PARTIES</u>		
21	Complainant brings this Accusation solely in her official capacity as the		
22	Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer		
23	Affairs.		
24	Registered Nurse License		
25	2. On or about December 1, 2004, the Board issued Registered Nurse License		
26	Number 648834 to Arthur Lewis Hazen, Jr. ("Respondent"). The registered nurse license		
27	expired on September 30, 2006, and has not been renewed.		
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STATUTORY PROVISIONS

	3.	Section 2750 of the Business and Professions Code ("Code") provides, in
pertinent part,	that the	Board may discipline any licensee, including a licensee holding a
temporary or a	ın inacti	ve license, for any reason provided in Article 3 (commencing with section
2750) of the N	lursing I	Practice Act.

- 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.
 - 5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- (a) Unprofessional conduct, which includes, but is not limited to, the following:
- (1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

. . . .

6. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

. . . .

(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section.

. . . .

REGULATORY PROVISION

7. California Code of Regulations, title 16, section 1442, states:

As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an

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extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life.

COST RECOVERY

8. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

9. Respondent is subject to discipline under Code section 2761, subdivision (a)(1), on the grounds of unprofessional conduct and gross negligence. The circumstances are as follows:

On or about March 6, 2005, Respondent was employed by A.M.N. Healthcare, Inc. as a traveling registered nurse and was on duty at Tri-City Medical Center, Oceanside, California. Respondent was assigned to a patient on the intermediate care/telemetry unit. The physician's orders required the patient's blood glucose levels to be checked every hour starting at 0730 hours. Respondent committed acts constituting gross negligence within the meaning of California Code of Regulations, title 16, section 1442, in that Respondent failed to perform checks of the patient's blood glucose levels from approximately 0939 hours until 1600 hours, at which time the patient was transferred to another unit. Upon transfer to the other unit, the patient's blood glucose level was checked by another nurse. The blood glucose level at that time was 27, which is life-threatening, requiring initiation of the hypoglycemia protocol.

SECOND CAUSE FOR DISCIPLINE

(Falsify Patient and/or Hospital Records)

10. Respondent is subject to discipline under Code section 2761, subdivision (a), for unprofessional conduct, as defined by Code section 2762, subdivision (e). The circumstances are as follows:

. 1 On or about March 6, 2005, Respondent was employed by A.M.N. 2 Healthcare, Inc. as a traveling registered nurse and on duty at Tri-City Medical Center, 3 Oceanside, California. Respondent was assigned to a patient on the intermediate care/telemetry 4 unit. Respondent falsified or made grossly incorrect, inconsistent, or unintelligible entries in 5 hospital and patient records by entering times and blood glucose levels at 1015 hours and 1200 6 hours even though Respondent had not performed the blood glucose level checks at those times 7 or at all. 8 **PRAYER** 9 WHEREFORE, Complainant requests that a hearing be held on the matters herein 10 alleged, and that following the hearing, the Board of Registered Nursing issue a decision: 11 1. Revoking or suspending Registered Nurse License Number 648834, issued 12 to Arthur Lewis Hazen, Jr.; 2. 13 Ordering Arthur Lewis Hazen, Jr., to pay the Board of Registered Nursing 14 the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 15 125.3; and, 16 3. Taking such other and further action as deemed necessary and proper. 17 DATED: _ 9/25/07 18 19 20 21 **Executive Officer** 22 Board of Registered Nursing Department of Consumer Affairs 23 State of California Complainant 24 25 26 27 03579110-SD2006802501

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